

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

ARTHUR LEE MOORE

PLAINTIFF

v.

Civil No. 4:07-cv-04015

SGT. RENAE, Miller County  
Detention Center

DEFENDANT

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Arthur Lee Moore (hereinafter "Moore"), filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on February 22, 2007. His complaint was filed *in forma pauperis* (IFP). Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2005), the Honorable Harry F. Barnes, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

On January 2, 2008, the Defendant filed a motion to compel (Doc. 20). Moore did not respond to the motion to compel. On January 24, 2008, I entered an order (Doc. 22) granting the Defendant's motion to compel. Moore was directed to provide the Defendant with discovery responses by February 15, 2008.

On February 19, 2008, Defendant filed a motion to dismiss (Doc. 23). In the motion, Defendant states he has not received the discovery responses from Moore. Moore has not responded to the motion to dismiss.

I therefore recommend that the Defendant's motion to dismiss be granted. This case should be dismissed with prejudice based on Moore's failure to comply with the order of the court and his failure to prosecute this action. *See* Fed. R. Civ. P. 41(b).

**The parties have ten days from receipt of the report and recommendation in which to**

**file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 31st day of March 2008.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE